

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

AUG 15 2013

Clerk, U.S District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SCOTT BURKE,

Defendant.

CR 13-17-M-DWM

FINDINGS &
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of robbery involving controlled substances in violation of 18 U.S.C. § 2118(c)(1), and one count of the use of a firearm during a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii).

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against him and

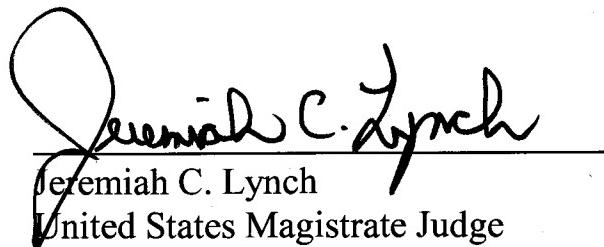
consequences of pleading guilty to the charges,

3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the guilty pleas are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the criminal charge set forth in the Indictment, and that sentence be imposed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 15th day of August, 2013.



Jeremiah C. Lynch
United States Magistrate Judge